

**Notice of Allowability**

Application No.

10/713,829

Examiner

Sharon E. Kennedy

Applicant(s)

TARARUJ, CHRISTOPHER

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's telephone call of October 19, 2007.
2. ☒ The allowed claim(s) is/are 1-7, 15-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20071022.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Tararuj on October 19, 2007.

### **AMENDMENT**

#### **In the Specification:**

The paragraph on page 8, lines 9-18 has been replaced with the following rewritten paragraph:

Various modifications to the capsules and polystyrene film may be made to alter the ultimate makeup of the sampler and improve function without departing from the original spirit of the invention. For example the use of other types of microcapsules that have some inherent degree of permeability, including those made by various methods of simple or complex coacervation, interracial and in situ polymerization, polycondensation, and comprised of materials and combinations including gelatin, gum Arabic, alginates, carrageenan, CMC (carboxymethylcellulose), PVM/MA, EMA, polyphosphate, polyurea, etc. It may also be possible to coat the capsules with a material that would act as a solvent on polystyrene, or conversely to coat a polystyrene or other suitable material over any conventional polymeric film and achieve the desired results.

**In the Claims:**

Claims 8-14 have been cancelled. Claim 18 has been added. Claims 1, 16 and 17 have been amended as follows:

1. (Currently Amended) A pull apart device comprising:

a A top portion having an inside surface comprising polystyrene, a polystyrene blend or a polystyrene coated substrate,

a A bottom portion having an inside surface comprising polystyrene, a polystyrene blend or a polystyrene coated substrate; and

a gelatin-based microcapsule layer deposited by conventional means onto an inside surface of either the top or bottom portion, wherein the microcapsules adhere to the bottom and top surfaces such that the capsule coating bonds the overlying surfaces together, the bond between the top and bottom surfaces can be broken by separating the plies, whereby the microcapsules are substantially compromised and release a material contained therein.

2. (Previously Presented) A pull apart device according to claim 1, wherein the microcapsule coating contains other additives.

3. (Original) A pull apart device according to claim 2, produced in the form of a pressure sensitive backed label which may be affixed to any printed matter, packaging or any delivery vehicle.

4. (Original) A pull apart device according to claim 2, distributed in the form of a laminated card manufactured in a single or multiple operation with or without the need for subsequent affixing to another delivery vehicle.

5. (Previously Amended) A pull apart device according to claim 2, wherein the polystyrene surface is over-laminated with a polymeric, paper or composite stock including metalized films, holographic films or preprinted stock.

6. (Original) A pull apart device according to claim 4, wherein a single continuous polystyrene substrate is folded over onto itself before or after laminating to another substrate such as a paper or film.

7. (Original) A pull apart device according to claim 2, wherein the microcapsules contain a fragrance, which is released upon separation of the overlying plies.

8. (Cancelled)

9. (Cancelled)

10. (Cancelled)

11. (Cancelled)

12. (Cancelled)

13. (Cancelled)

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14. (Cancelled)

15. (Previously Presented) A pull apart device according to claim 2, wherein the additives comprise adhesives and viscosifiers.

16. (Currently Amended) A pull apart device comprising:

a first ply having an inside surface comprising a coated paper,

a second ply having an inside surface comprising polystyrene, a polystyrene blend or a polystyrene coated substrate; and

a microcapsule layer comprising microcapsules which are made with a ~~semi~~ permeable wall material having at least some degree of permeability deposited by conventional means onto an inside surface of either the top or bottom portion, wherein the microcapsules adhere to the bottom and top surfaces such that the capsule coating bonds the overlying surfaces together, the bond between the top and bottom surfaces can be broken by separating the plies, whereby the microcapsules are substantially compromised and release a material contained therein.

17. (Currently Amended) A pull apart device comprising:

a top portion having an inside surface comprising polystyrene, a polystyrene blend or a polystyrene coated substrate,

a bottom portion having an inside surface comprising polystyrene, a polystyrene blend or a polystyrene coated substrate; and

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a microcapsule layer comprising microcapsules made with a ~~semi-permeable~~ wall material having at least some degree of permeability deposited by conventional means onto an inside surface of either the top or bottom portion, wherein the microcapsules adhere to the bottom and top surfaces such that the capsule coating bonds the overlying surfaces together, the bond between the top and bottom surfaces can be broken by separating the plies, whereby the microcapsules are substantially compromised and release a material contained therein.

18. (New) A pull apart device according to claim 1, wherein the gelatin based microcapsule layer is a coacervate of gelatin and at least one material selected from the group consisting of gum arabic, polyphosphate, alginate and carboxymethylcellulose.

***Allowable Subject Matter***

Claims 1-7, 15-18 are allowed.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on 571/272-8373.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Sharon E. Kennedy/*  
Sharon E. Kennedy  
Primary Examiner  
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